BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

DELORES SMITH)	
Claimant) VS.	Dookst No. 211 929
THE MARTEL GROUP, INC. Respondent	Docket No. 211,838
AND	
AETNA CASUALTY & SURETY COMPANY Insurance Carrier	

ORDER

The respondent and its insurance carrier requested review of the preliminary hearing Order entered by Administrative Law Judge Steven J. Howard dated June 5, 1996.

ISSUES

The Administrative Law Judge awarded claimant both temporary total disability and medical benefits. The respondent and its insurance carrier requested review of the following issues:

- "1) Whether claimant met with personal injury by accident on the dates alleged.
- "2) Whether claimant's alleged accidental injuries arose out of and in the course of her employment.
- "3) Whether claimant provided timely notice of her alleged accidental injuries."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, for purposes of preliminary hearing the Appeals Board finds:

The preliminary hearing Order entered by the Administrative Law Judge should be affirmed. The Appeals Board finds that it is more probably true than not true that claimant has sustained accidental injury to both upper extremities as a result of repetitive mini-trauma she sustained while performing her job as a telemarketer working for the respondent. This conclusion

is supported by claimant's testimony that she noticed a relationship between her symptoms and her work activities and the written report of neurologist Fariz Habib, M.D., dated May 2, 1996.

The Appeals Board finds claimant sustained repetitive mini-trauma to her upper extremities while working for the respondent during the period of August 1995 through her last day of work on or about April 19, 1996. Because claimant provided respondent with notice of accident within ten days of her last day of work, notice is timely as required by K.S.A. 44-520.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order of Administrative Law Judge Steven J. Howard dated June 5, 1996, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this day of August 1996.

BOARD MEMBER

c: John G. O'Connor, Kansas City, KS Gregory D. Worth, Lenexa, KS Steven J. Howard, Administrative Law Judge Philip S. Harness, Director